

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2009-XXXX

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2007-0109
FOR
RANCHO MURIETA COMMUNITY SERVICES DISTRICT
VAN VLECK RANCH RECYCLED WATER REUSE AREAS
SACRAMENTO COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board), finds:

1. On 2 August 2007, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2007-0109, prescribing requirements for Rancho Murieta Community Services District (RMCS D) in Sacramento County to regulate the reuse of recycled water produced by the Rancho Murieta wastewater treatment facility (WWTF) at the Van Vleck Ranch. Rancho Murieta Community Services District (hereafter Discharger) owns and operates the WWTF.
2. Finding No. 7 of Order No R5-2007-0109 states:
"This Order allows the reuse of recycled water at the Van Vleck Ranch for a limited term only (through 31 December 2009) in order to be consistent with the easements as granted by the Van Vleck Ranch to RMCS D. If the Discharger wishes to continue the discharge beyond that date, either this Order or WDRs Order No. 5-01-124 must be revised to regulate the discharge."
3. On 6 January 2009, the Discharger submitted an amended Report of Waste Discharge (RWD) to apply for extension of the term of Order No. R5-2007-0109 to 31 December 2012. Additional information was submitted on 7 July 2009 to revise and complete the Amended RWD.
4. The amended RWD did not propose any significant operational changes. It included a copy of a 16 November 2007 *Grant and Agreement Regarding Irrigation Easement* executed by Van Vleck Ranching and Resources, Inc. (the grantor) and the Discharger (grantee). The *Grant and Agreement* states, in part:
"The easement granted herein... shall continue in perpetuity unless terminated, in whole or in part, (a) by the mutual written consent of the parties, (b) upon Grantee's failure to use such rights for a period of twenty-four (24) or more consecutive calendar months, or (c) as set forth below in Section 14."
Section 14 of the *Grant and Agreement* states:
"Either Grantor or Grantee may terminate this Agreement upon sixty (60) days prior written notice to the other party in the event the irrigation of the Easement Area with Recycled Water is declared unlawful by a legislative act of the State of California."

5. Finding No. 46 of Order No R5-2007-0109 states:

"On 27 June 2007, the Sacramento County Department of Environmental Review and Assessment issued an emergency exemption pursuant to section 15269 of the California Environmental Quality Act (CEQA) Guidelines for a Conditional Use Permit for Van Vleck Ranching and Resources, Inc. for water recycling at the reuse areas. The exemption was based on the Governor's proclamation of a state of emergency due to continued drought conditions in Sacramento County."

6. Finding No. 47 of Order No R5-2007-0109 states:

"On 9 July 2007, the Sacramento County Project Planning Commission recommended that the County Board of Supervisors approve a Use Permit for the reuse areas for a maximum of 75 days during the months of August through October 2007. Subsequently, on 24 July 2007, the Sacramento County Board of Supervisors approved the Use Permit. The Use Permit is temporary and will expire 90 days after issuance, on or about 31 October 2007. The Discharger intends to obtain a subsequent Use Permit that would be effective through December 31, 2009. It is therefore appropriate to require that the Discharger provide proof of the appropriate approvals from the County for any recycled water use that would occur after the expiration of the current Use Permit."

7. Discharge Prohibition A.5 of Order No R5-2007-0109 states:

"The discharge of recycled water after 31 October 2007 is prohibited unless the Discharger submits proof that Sacramento County has issued a new Use Permit for the application of recycled water to the reuse areas described in this Order."

8. Provision F.2 of Order No R5-2007-0109 states:

"Prior to any continued discharge after expiration of the current Use Permit, the Discharger shall submit proof that Sacramento County has issued a new Use Permit for the application of recycled water to the reuse areas."

9. Provision F.13 of Order No R5-2007-0109 states:

"This Order expires on 31 December 2009. The Discharger must obtain new waste discharge requirements if they wish to continue the discharge after that date."

10. On 23 July 2008, the Sacramento County Board of Supervisors approved an amended Use Permit which states in part:

"This Use Permit shall expire on December 31, 2012; however, before December 31, 2009, the applicant must demonstrate to the satisfaction of the Planning Director, that (1) the applicant has received approval from the Regional Water Quality Control Board for continued irrigation of Van Vleck Ranch (APN 128-0080-067 and 068 – approximately 68 acres) through December 31, 2012; (2) that the landowner has consented to the continued irrigation through December 31, 2012; and (3) that alternate irrigation facilities have not been constructed or permitted. In the event that the applicant fails to make the

requisite showing to the satisfaction of the Planning Director, then this use permit shall expire on 30 December 2009.”

11. On 23 July 2008, the Sacramento County Board of Supervisors found that the amended Use Permit should continue to be exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.)
12. Finding No. 48 of Order No R5-2007-0109 states:
“RMCS D is the lead agency for purposes of CEQA. The Regional Water Board is a responsible agency with respect to CEQA. On 19 July 2007, RMCS D certified a Mitigated Negative Declaration for the recycled water irrigation project to comply with CEQA requirements. Based on features incorporated into the project design, no water quality-related mitigation measures were included in this Mitigated Negative Declaration. This Order requires compliance with certain measures and conditions intended to minimize or prevent water quality impacts. RMCS D, as the lead agency, is responsible for ensuring compliance with all mitigation measures identified in the Mitigated Negative Declaration.”
13. On 15 April 2009, Rancho Murieta Community Services District issued a Notice of Exemption for the continued temporary irrigation of pasture at the Van Vleck Ranch through 31 December 2012 pursuant to 14 California Code of Regulations (CCR) section 15061(b)(3).
14. The action to amend WDRs Order No. R5-2007-0109 is exempt from the provisions of CEQA because it involves negligible or no expansion of use of an existing facility beyond the use existing at the time of the Mitigated Negative Declaration (14 CCR section 15301); it is an action taken by a regulatory agency to assure the protection of the environment, and the regulatory process involves procedures for protection of the environment (14 CCR section 15308); and based on the soil conditions existing at the site, including soil composition and depth to groundwater, there is no possibility that continuing operation of the project for up to three years will have a significant effect on the environment (14 Cal. Code of Regs. Section 15061(b)(3)).
15. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
16. The Central Valley Water Board, in a public meeting, heard, and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Order No. R5-2007-0109 is amended solely to change Discharge Prohibition A.5 and Provisions F.2 and F.13. Pursuant to sections 13263 and

13267 of the California Water Code, Rancho Murieta Community Services District, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, shall comply with amended Order No. R5-2007-0109 as follows:

1. Discharge Prohibition A.5 of WDRs Order No. R5-2007-0109 shall be amended as follows:
 - A. Discharge Prohibitions
 5. The discharge of recycled water after **31 December 2012** is prohibited.
2. Provision F.2 of WDRs Order No. R5-2007-0109 shall be deleted.
3. Provision F.13 of WDRs Order No. R5-2007-0109 shall be amended as follows:
 - F. Provisions
 13. This Order expires on **31 December 2012**. The Discharger must obtain a Use Permit and new waste discharge requirements to continue the discharge after that date. By **31 December 2011**, the Discharger shall submit a letter stating whether the Discharger intends to apply for new Waste Discharge Requirements, and if so, providing a schedule for submittal of a new Report of Waste Discharge and completion of CEQA review.

This Order is effective as of the date of adoption.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on ____.

PAMELA C. CREEDON, Executive Officer

ALO: 11/19/09